

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty REC'D 22 JUL 2005)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference P60841PC00	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/NL2004/000245	International filing date (day/month/year) 13.04.2004	Priority date (day/month/year) 14.04.2003	
International Patent Classification (IPC) or national classification and IPC B62B3/14, B62B7/00			
<p>Applicant V.O.F. VOS & VOS VORMGEVING et al.</p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of 2 sheets, as follows:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 27.12.2004	Date of completion of this report 25.07.2005		
Name and mailing address of the International preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	<p>Authorized Officer Cauderlier, F</p> <p>Telephone No. +31 70 340-3363</p> 		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NL2004/000245

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1, 3-10 as originally filed
2, 2a received on 27.12.2004 with letter of 27.12.2004

Claims, Numbers

1-18 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000245

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-18
	No: Claims	
Inventive step (IS)	Yes: Claims	6,8,10,12,13,16,17
	No: Claims	1-5,7,9,11,14,15,18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000245

Re Item V.

1 The following documents are referred to in this communication:
D1 : FR 2 794 418 A (HURBE EMILE) 8 December 2000

2 INDEPENDENT CLAIMS 1 AND 18

Document D1, which is considered to represent the most relevant state of the art, discloses (see fig. 3, the references in parenthesis applying to this document):

a shopping cart designed as play apparatus, comprising a nestable shopping cart (2) with a frame-supported shopping basket provided with castors, which shopping cart (2) is provided with a child seat (36), connected to the basket, arranged adjacent the front side (38) on the inside of the shopping basket and what could be referred to as a decoration shield (4) (since it can be seen to improve the appearance of the trolley), detachably connected to the basket, arranged adjacent the front side (38) on the outside of the shopping basket.

However the decoration shield is mounted to a **specific trolley** having a foldable child seat connected to the front wall of the shopping trolley basket; the use of such a specific trolley that necessitates having a foldable seat fixedly attached to its front part is thus seen as a drawback of this device.

The same document D1 shows in an alternative embodiment (see fig. 1 and 2) that a **conventional trolley**, as already available in most shopping places, can receive a child seat detachably connected to the basket, arranged to the front side on the inside of the shopping basket.

The skilled person would thus replace the fixedly attached seat of the specifically built trolley by the detachable seat mountable on any conventional trolley to arrive at a shopping cart having all the features of the shopping cart according to claim 1.

The same reasoning applies equally to the method of claim 18 (see D1 fig. 1).

The subject-matter of claims 1 and 18 does not involve an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000245

3 DEPENDENT CLAIMS 2-5,7,9,11,14,15,18

Dependent claims 2-5, 7, 9, 11, 14, 15, 18 do not contain any features which, in combination with the features to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) PCT).

4 DEPENDENT CLAIMS 6,8,10,12,13,16,17

The combination of the features of dependent claims 6, 8, 10, 12, 16, 17 are neither known nor rendered obvious by the available prior art. These claims thus meet the requirements of Articles 33(2) and 33(3) PCT.

EPO - DG 1

New Page 2

30. 12. 2004

(82)

By providing the shopping basket of a conventional shopping cart adjacent the nose with a detachable child seat inside the shopping basket and a detachable decoration shield at the outside of the basket, a shopping cart already present in the shop can be executed as play apparatus. With the 5 decoration shield, around the nose of the shopping cart, a play space can be realized, for instance a scooter, an elephant or a plane, by giving the decoration shield the shape and appearance of the front part of a scooter, the head of an elephant or the nose of a plane, respectively. When the seat and the decoration shield have been detached, the shopping cart can be stored in the customary 10 manner, nested in one row with other shopping carts, so that it takes up little space. The child seat and the decoration shield can be stored separately from the shopping cart, for instance in a wall rack. By using a conventional shopping cart, no investments are required for a special shopping cart and further, the spacious basket of such a cart can be used.

15 Patent publication FR 2 794 418 discloses vehicle simulating accessories for shopping carts.

The child seat and the decoration shield can, each separately, be attached to the basket so that one type of child seat can be combined with different decoration shields on which, each time, other themes can be 20 expressed. Such an assembly of loose parts can have as an advantage that loose parts are light-weight and easy to manipulate.

The child seat and the decoration shield can also be fixedly connected to each other or detachably, by means of a quick-detachable coupling. This can have the advantage that the assembly of the child seat and decoration shield 25 can rapidly be placed on the basket of the shopping cart.

By placing the child seat adjacent the front side within the shopping basket, the nose of the basket can serve as protection for the child.

30. 12. 2004

In an advantageous manner, the child seat and/or the decoration shield are provided with at least one overhang bracket with two legs connected by a connecting part, defining a groove for receiving the wall of the basket of the shopping cart therein, so that the child seat and/or the decoration shield

5 can be suspended in a substantially downward movement with the legs on

(82)

INTERNATIONAL SEARCH REPORT

ntional Application No
/NL2004/000245

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B62B3/14 B62B7/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B62B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	FR 2 794 418 A (HURBE EMILE) 8 December 2000 (2000-12-08)	1,2,4,5, 7,9,11, 14,15,18
Y	page 5, line 1 - line 17; figure 3	3
A	-----	6,8,10, 12,16,17
Y	US 5 810 437 A (SHARPE TERESA R) 22 September 1998 (1998-09-22) abstract; figures 1A,8,9	3
A	DE 200 22 983 U (WANZL METALLWARENFABRIK KG) 7 November 2002 (2002-11-07) cited in the application the whole document	1,11,17, 18

	-/-	

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

8 September 2004

Date of mailing of the international search report

15/09/2004

Name and mailing address of the ISA

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Cauderlier, F

INTERNATIONAL SEARCH REPORT

National Application No

/NL2004/000245

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6 513 817 B2 (JARRETT BLAKE ET AL) 4 February 2003 (2003-02-04) abstract; figure 1 -----	1
A	US 5 082 087 A (HUBBELL JACKIE) 21 January 1992 (1992-01-21) column 3, line 31 – line 33; figure 2 -----	1
A	DE 296 15 604 U (WANZL METALLWARENFABRIK KG) 12 December 1996 (1996-12-12) the whole document -----	1,14,18

INTERNATIONAL SEARCH REPORT

International Application No

/NL2004/000245

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
FR 2794418	A	08-12-2000	FR	2794418 A1		08-12-2000
US 5810437	A	22-09-1998	AU WO	7602398 A 9856281 A1		30-12-1998 17-12-1998
DE 20022983	U	07-11-2002	DE	20022983 U1		07-11-2002
US 6513817	B2	29-08-2002	US CA WO	2002117820 A1 2439305 A1 02068254 A1		29-08-2002 06-09-2002 06-09-2002
US 5082087	A	21-01-1992	NONE			
DE 29615604	U	12-12-1996	DE	29615604 U1		12-12-1996